

REMARKS/ARGUMENTS

As requested by the Examiner, the first paragraph of page 1 of this application has been amended to update the status of parent Patent Application Serial No. 10/369,699.

Claim 1-3 and 5-9 remain in the application. Claim 1 has been amended as shown in the listing of claims and claim 4 has been canceled. The Applicants submit that no new matter has been added by these amendments. Claims 8 and 9 were withdrawn in a previous response.

Claim 1 has been rewritten to include, among other things, all of the limitations of claim 4. In light of this amendment, the Section 102 anticipation rejections set out in paragraphs 5, 6 and 7 of the Office Action are moot.

The Examiner has taken the position that a claim which includes all of the limitations of former claim 4 were obvious in view of Japan 7-185271, Japan 8-323161, or US Patent No.5,944,997 (Pedersen) in combination with either Japan 58-141796 or Japan 64-36099. The Applicants respectfully request reconsideration of this rejection for the reasons set out below.

Claim 1, as amended, is directed to a process for supplying bubbles to a filtering membrane and cleaning an aerator producing the bubbles. Claim 1 has been amended by including the limitations set out in claim 4. Specifically, claim 1 has been amended by adding that in step (b), the pressure in the aerator is reduced by venting the aerator to atmosphere. Claim 1 is further amended to state that steps a) and b) are performed in a regular cycle.

It is well established at law that, in order to prove obviousness, it is not sufficient for a combination of prior art references together to disclose the claimed

elements. The prior art must show some teaching, suggestion, or incentive in the prior art that would have led a skilled person to make the claimed combination. In other words, there must be some reason other than hindsight, for selectively combining the prior art references to render the claimed invention obvious. Furthermore, the onus is on the Examiner to provide a reason why one of ordinary skill in the art would have been able to arrive at the claimed invention from the prior art.

The Applicants respectfully submit that no teaching or suggestion is provided in the cited prior art references to combine them in the manner suggested by the Examiner, or to produce a repeated cycle as claimed. All of the primary references cited by the Examiner disclose various steps taken during regular operation. On the other hand Japan 58-141796 (see page 2, lines 17-19) and Japan 64-36099 (see page 3, line 1 and 2) disclose venting of the aerator only when there is a problem, such as an accident or power failure. Accordingly, there is no teaching towards combining the references in a way suggested by the Examiner, or to produce a repeated cycle as claimed, because the secondary references require venting of the aerator only when there is a problem, and not during regular operation, as disclosed in the primary references.

Even if the references are combined in the manner suggested by the Examiner, they do not disclose the invention claimed in claim 1. Step (b) of claim 1, as amended, recites that venting of the aerator to atmosphere causes the water in the tank to enter the aerator. Neither Japan 58-141796 (see page 3, lines 20-24) nor Japan 64-36099 (see page 6, lines 2-6) disclose venting the aerator in a way that draws tank water into the aerator and wets solids accumulated in the aerator. Rather, the aerator is vented only after mixed liquor is already in the aerator and there is no disclosure indicating that venting the aerator to the atmosphere causes additional water in the tank to enter the aerator and wet solids accumulated in the aerator. Accordingly, none of the cited reference alone or in combination disclose the limitations of claim 1 as amended.

In light of the above, the Applicants respectfully submit that claim 1 is not obvious in view of the combination of either Japan 0465128, Japan 7-185271, Japan 8-323161, or Pedersen with Japan 64-36099 or Japan 58-141796. Because claims 2, 3, and 5-7 depend from an allowable base claim, the Applicants respectfully submit that these claims are also allowable.

Having addressed all objections and rejections, the Applicants respectfully request that this application be allowed.

Respectfully submitted,
RABIE et al.

By



Victor Krichker
Reg. No. 50,198
Tel: (416) 957-1698